PATENT Attorney Docket No. 34170-701,501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Inventor: Peter S. Lu et al.
Application No.: 10/630,590

Filed: July 29, 2003

Title: METHODS OF DIAGNOSING

CERVICAL CANCER

Confirmation No.: 4993

Examiner: Lucas, Zachariah

Group Art Unit: 1648

Customer No. 21971

DECLARATION UNDER 37 C.F.R. §1.131

We, Peter S. Lu, Johannes Schweizer, Chamorro Somoza Diaz-Sarmiento, and Michael P. Belmares, declare as follows:

- We are the inventors of claims 1, 3-8, 10-22 and 24-28 of the patent application identified above and the inventors of the subject matters described and claimed therein.
- We conceived and reduced to practice in this country the invention claimed in claims 1, 3-8, 10-22 and 24-28 in the above-referenced application prior to September 6, 2001.
- 3. Prior to September 6, 2001 we conceived that the E6 protein of oncogenic human Papillomavius (HPV) has a C-terminal domain with a consensus sequence of -X-(S/T)-X-(V/I/L) that should be recognized and specifically bound to by a PDZ domain, such as domain 2 of MAGI-1, while non-oncogenic or low risk HPV E6 sequences should not. We developed assays to assess the binding interactions between the C-terminal domain of E6 protein of various oncogenic and non-oncogenic strains of HPV, such as the "G Assays" described in above-referenced application

serial No. 10/630,590 at pages 43-46, and in provisional application No. 60/309,841 filed on August, 3, 2001 at pages 32-36.

4. Prior to September 6, 2001 we designed and purchased from commercial suppliers peptides (see Exhibit A for evidence of purchase with dates obscured) containing the consensus C-terminal sequences derived from various oncogenic strains of HPV, and C-terminal sequences from non-oncogenic strains of HPV. Table 1 below lists the sequences of such peptides with the C-terminal consensus sequences of oncogenic strains of HPV highlighted in bold. As listed in Table 1, besides peptides which have the native sequences of the C-termini of the HPV strains, we also designed peptides that are derived from the native sequences of the C-termini by substituting amino acid residues (especially cysteine residues) outside the consensus 4 amino acid C-terminal sequences with other amino acid residues to avoid complications resulting from aberrant folding of the native peptides due to cross-linking of the cysteine residues that causes aggregation of the peptides. See designed peptide sequences labeled with "(modified)" or "(cysteine-free)" in Table 1.

Table 1. Sequences of C-terminal peptides derived from E6 protein of various HPV strains.

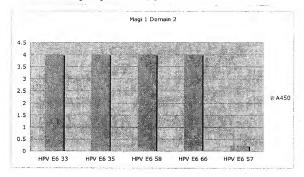
			T
AVC Na	mė	Sequence	oncogenic
HPV E6	16	WTGRCMSCCRSSRTRRETQL	Y
HPV B6	16 (Modified)	TGRGMSGGRSSRTRRETQL	Y
HPV E6	18	HSCCNRARQERLORRRETOV	Y
HPV E6	18 (Modified)	SGGNRARQERLQRRRETQV	Y
HPV-E6	31	GRWTGRCIACWRRPRTETQV	Y
HPV E6	33	CAACWRSARRRRLQRRRBTAL	Y
HPV_E6	33 (modified)	AAGGREARGGRIQGRRETAL	Y
HPV E6		GRWTGRCMSCWKPTRRETEV	Y
	35 (cysteine-free)	GRWTGRAMSAWKPTRRETEV	Y
	36 (cysteine-free)	RVRNAWKGIARQAKHFYNDW	N
HPV-E6		CANCWORTRORRLORRNETQV	Y
HPV E6	52	MGRWTGRCSECWRPRPVTQV	Y
HPV E6	52 (modified)	SEGGRPTRGPRLQGRRVTQV	Y
HPV E6		HCMNCAPRCMENAPALRTSH	· N
	57 (cysteine-free)	HAMNAAPRAMENAPALRTSH	N
HPV E6	58	GRWTGRCAVCWRPRRRGTQV	Y
	58 (modified)	AVGGRPARGGRLQGRRQTQV	Y
HPV E6		VHKVRNKFKAKCSLCRLYII	N
HPV-E6		TGSCLQCWRHTSRQATESTV	Y
HPV E6		TGSALQAWRHTSRQATESTV	Y
HPV-E6		RHCWTSNREDRRRIRRETQV	Y
HPV-E6	77	GHWRGSCLHCWSRCMGQSRQ	N
	77 (modified)	GGGRGSGLAGGSRGGGQSRQ	N
HPV-E6	80	QFHKVRRNWKGLCRHCGSIE	N

- 5. Prior to September 6, 2001 we used the G Assays to assess the interactions of peptides (Table 2) derived from the C-terminal 19-20 amino acids of E6 protein from oncogenic HPV types 33, 35, 58, 66 and non-oncogenic type 57. Peptide concentrations used in the G-assay were 10 uM, 1 uM, 10 uM, 3 uM, and 10 uM, respectively. Figure 1 summarizes the results of these experiments with the C-terminal consensus sequences of oncogenic strains of HPV highlighted. The absorbance value at 450 nm indicates the amount of HPV peptides bound to MAGI-1 domain 2. Exhibit B is a copy of pages from lab notebooks recording such experiments on which the dates have obscured.
- 6. As shown in Figure 1, prior to September 6, 2001 we demonstrated that all four of peptides derived from the E6 protein of oncogenic HPV strains 33, 35, 58 and 66 bound MAGI-1 PDZ domain 2 strongly at 1-10 uM peptide concentrations. In contrast, the E6 sequence from non-oncogenic HPV type 57 did not bind to MAGI-1 domain 2. In addition, peptides derived from the E6 protein of oncogenic HPV strains 16 and 18 that share the same consensus C-terminal sequence as strains 33, 35, 58 and 66 were later demonstrated to bind to MAGI-1 domain 2. Thus, since the claimed invention is a method or system for detecting the presence of an oncogenic HPV in a sample by using a PDZ domain polypeptide of less than 1000 amino acids in length and comprising the amino acid sequence of MAGI-1 PDZ domain 2, the claimed invention was conceived and reduced to practice prior to September 6, 2001.

Table 2. Sequences of C-terminal peptides derived from E6 protein of various HPV strains.

HPV Type	E6 C-terminal sequence	Derived from Oncogenic HPV E6	
HPV 33 (modified)	AAGGRSARGGRLQGRRETAL	Y	
HPV 35 (cysteine-free)	GRWTGRAMSAWKPTRRETEV	Y	
HPV 58 (cysteine-free)	AVGGRPARGGRLQGRRQTQV	Y	
HPV 66 (cysteine-free)	TGSALQAWRHTSRQATESTV	Y	
HPV 57 (cysteine-free)	HAMNAAPRAMENAPALRTSH	N	

FIGURE 1: Binding strength of HPV E6 peptides with PDZ domain 2 of MAGI-1



We hereby declare that all statements made herein of our own knowledge are true 7. and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 05/10/2007

Date: 05/07/2007

Peter S. Lu. M.D. Country of Citizenship: U.S.A.

Johannes Schweizer Country of Citizenship: Germany U.S. Appl. Serial No. 10/630,590

Chamorro Somoza Diaz-Sarmiento

Country of Citizenship: Spain

Michael P. Belmares Country of Citizenship: U.S.A.

Sequence Name:

AA69.1

Scale:

Research

Length: 19 Sequence:

5-7

C' End:

'N'-TGR / GMS / GGR / SSR / TRR / ETQ /

'N' End: Bion

100.000

6235630

Genemed Synthesis, Inc.

PLEASE SEE ATTACHED FOR QUALITY CONTROL DATA

Storage and Stability: * Mass spectroscopy * Amino acid * HPLC

Stable for one year at -20 °C

Lot No.

10017449

Analysis:

Form: Lyophilized powder

Quantity: Molecular Weight:

20 mg P. fix to mmole

1,094

per

2318-35

FOR RESEARCH USE ONLY. Not for diagnostic and medical application

Tel: 650-952-8193 Fax: 650-952-9540 www.genemedsyn.com

Total Area

2011年1日 - 1000日 - 10

Data: 0-100 pepanal-

006

Sample:

17449 25µt injecteu Column: Vydac C18 1ml/min

Buffers: A=0.1%TFA; B=0.1%TFA in CH3CN Gradient: 0-100%B, 20'

Monitor: 220nm, 1.0 AUFS

Processing File: profile#1 Method: 0-100 pepanal Inject Vol: Sampling Int: 0.1 Seconds

Data:

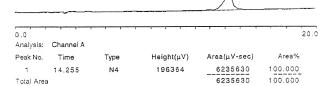


EXHIBIT A	•
CONTINUE)

2
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Custom Peptide Synthesis Certificate of Analysis

Sequence Name: AA70.1 Scale: Rescarch

Sequence: Length: 19 C' End: 'N'-SGG / NRA / RQE / RLQ / RRR / ETQ / 'N' End. Biotin V - 'C'

Molecular Weight: Acto -2,298-20 mg 7.911 mmole 2522-62

* HPLC Analysis: * Amino acid

Form: Lyophilized powder.

Quantity:

Storage and Stability: Stable for one year at -20 °C. * Mass spectroscopy

Genemed Synthesis, Inc. Tel: 650-952-8193 [ax: 650-952-9540 www.genemedsyn.com 213 East Grand Avenue. South San Francisco, CA 94080 U.S.A. PLEASE SEE ATTACHED FOR QUALITY CONTROL DATA 10017450

s (m/z) 2800

3000

Scans Averaged: 61 Laser: 2230

PSD Mirror Ratio

Timed Ion Selector: 16.1 OFF

Low Mass Gate, OFF

Pressure: 6.61e-07

Negative 1

Mirror Ratio 1 070 3400

3200

FOR RESEARCH USE ONLY, Not for diagnostic and medical applications

Date:

Data: 0-100 pepanar-.

-016

Sample: 17450 25ul injected

Column: Vydac C18 1ml/min

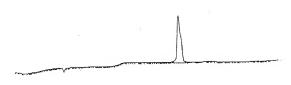
Buffers: A=0.1%TFA; B=0.1%TFA in CH3CN

Gradient: 0-100%B, 20'

Monitor: 220nm, 1.0 AUFS

Processing File: profile#1 Method: 0-100 pepanal Inject Vol: Sampling Int: 0.1 Seconds

Data:



0.0			, , , , ,		
Analysis:	Channel A				
Peak No.	Time	Type	Height(μV)	Area(µV-sec)	A
1	10.780	N	96091	1355988	100
Total Area	3			1355988	100

Genemed Synthesis, Inc.

PLEASE SEE ATTACHED FOR QUALITY CONTROL DATA

Lot No.

10017517

* HPLC

* Mass spectroscopy * Amino acid

Storage and Stability: Stable for one year at -20 °C.

Analysis:

Form: Lyophilized powder

Quantity: Molecular Weight:

Zo mg Lixiommole

100

2265-41 RK

Sequence Name:	Cer	Custor	The second secon
AA72.1	Certificate of Analysis	Custom Peptide Synthesis	
Scales	dysis	ynthesi	-
Scale: Research		S	

Sequence:

'N' End Biotin

"N"--AAG / GRS / ARG / GRL / QGR / RET /

Length: 20

AL-'C

C" End

Data:

Sampling Int: 0.1 Seconds Inject Vol: Method: 0-100 pepanal processing File: profile#1

г Monitor: 220nm, 1.0 AUFS 50, (Sindlent: 0-100%B, 17517 S5µ Injected
Column: Vydac C18 1ml/min
Bulfers: A=0.1%TFA; B=0.1%TFA in CH3CN

:eidmeS

†10-

001-0 D: Date:



Certificate of Analysis

Peptide Name:	AA80.1
Run Number:	17702
Sequence:	Biotin-Gly-Arg-Trp-Thr-Gly-Arg-Ala-Met-Ser-Ala-Tr Lys-Pro-Thr-Arg-Arg-Glu-Thr-Glu-Val-OH
Theoretical Mass(M+H*):	2603.0 2600.51
Mass Found(M+H*):	2602.3
Solubility:	Dissolve 1mg of peptide in 1ml Water
Appearance:	White Powder
HPLC Purity:	>*N/A %
Amount Delivered:	100 mg *Customer requested unpurified peptide
Storage:	Keep Refrigerated
Remarks: Not fo	r Human Use. Research Purposes Only.
Release By: J	uswander Kawi Date:_

Quality Control

Sample Name: AA80.1

```
Seq. Line :
Injection Date :
                                               Vial: 35
Sample Name : Anou.1
                                                Inj:
                                                       1
Acq. Operator : HENRY
                                          Inj Volume : 5 μl
                                    Actual Inj Volume : 2 µl
Different Inj Volume from Sequence !
Sequence File : C:\HPCHEM\1\SEQUENCE\DEF LC.S
              . C:\HPCHEM\1\METHODS\0-100-20.M
Method
                      11:04:52 AM by HENRY
Last changed
     DAD1 A, Sig=220,4 Ref-..., TT (HENRY/035-0601.D)
  1400
  1200
  1000
   800
   600
   400
   200
```

Area Percent Report

Sorted By : Signal Multiplier : 1.0000 Dilution : 1.0000

2.5

Signal 1: DAD1 A, Sig=220,4 Ref=450,80, TT Results obtained with standard integrator!

Peak F	RetTime [min]	Туре	Width [min]	Area [mAu*s]	Height [mAu]	Area %
1 2	0.944		1.0963	27.31302 65.38581	2.94576e-1 4.18458	0.0558 0.1336
3	5.258	VB	0.3324	38.73496 8.00819 48.28724	1.52027 7.34552e-1 4.21066	0.0792 0.0164 0.0987
5 6 7	6.042 6.791 7.830	PV	0.1638 0.1581 0.2492	51.54432 13.29615	4.71076 6.67421e-1	0.1053 0.0272
8 9	7.979 8.127	VV	0.0858 0.1281	3.90877 7.46610	6.33285e-1 7.92417e-1	0.0153
10	8.902 9.160		0.1558	68.03886 43.50458	5.92069 5.49541	0.1390 0.0889

Certificate of Analysis

Custom Peptide Synthesis

Sample: 45

10:31 AM

Collected

3007 MS 7.ms

> N:-AVG / GRP / ARG / GRL / QGR / RQT / Research 27# 3345. 44 Scale: N. Lind: Biotin QV - 'C' C. End: Sequence Name: Length: 20 Sequence:

17.17 Molecular Weight:

20 mg \$51410 mmole

Quantity:

Form: Lyophilized powder.

Analysis:

* Amino acid * HPLC

· Mass spectroscopy

Storage and Stability: Stable for one year at -20 °C.

PLEASE SEE ATTACHED FOR QUALITY CONTROL DATA 10017523 Genemed Synthesis, Inc. Lot No.

14OR RESEARCH USE ONLY. Not for diagnostic and medical applications

213 East Grand Avenue, South San Francisco, CA 94080 U.S.A. Tef: 650-952-8193 Fax: 650-952-9540 www.genemedsyn.com

3500

Mass (m/z)

EXHIBIT A -CONTINUED

Date:

Data: u .J0 pepanal-

307

Sample:

17523 25µl injected

Column: Vydac C18 1ml/min Buffers: A=0.1%TFA; B=0.1%TFA in CH3CN

Gradient: 0-100%B, 20'

Monitor: 220nm, 1.0 AUFS

Processing File: profile#1 Method: 0-100 pepanal

Inject Vol:

Sampling Int: 0.1 Seconds

Data:



0.0					20.0
Analysis:	Channel A				
Peak No.	Time	Type	Height(μV)	Area(μV-sec)	Area%
1	14.721	N11	112398	3014595	100.000
Total Area	1			3014595	100.000



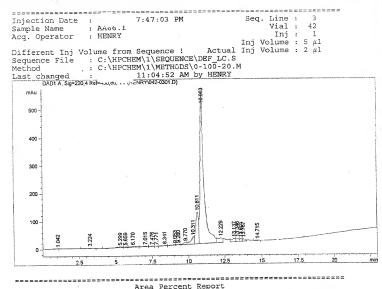
Certificate of Analysis

Peptide Name:

AA66.1

Run Number:	17700
Sequence:	BIOTIN-Thr-Gly-Ser-Ala-Leu-Gin-Ala-Trp-Arg-His- Thr-Ser-Arg-Gin-Ala-Thr-Glu-Ser-Thr-Val-OH
Theoretical Mass(M+H*):	2414.7
Mass Found(M+H*):	2414.3
Solubility:	Dissolve 1mg of peptide in 1ml Water
Appearance:	White Powder
HPLC Purity:	>*N/A %
Amount Delivered:	100 mg *Customer requested unpurified peptide
Storage:	Keep Refrigerated
Remarks: Not fo	r Human Use. Research Purposes Only.
Release By:	Jasoinder Kaur Date:

Sample Name: AA66.1



Sorted By : Signal

Sorted By : Signal Multiplier : 1.0000 Dilution : 1.0000

Signal 1: DAD1 A, Sig=220,4 Ref=450,80, TT Results obtained with standard integrator!

Peak RetTime Type # [min]	Width [min]	Area [mAu*s]	Height [mAu]	Area %
1 1.042 BV 2 3.224 BV 3 5.299 BV 4 5.659 VV 5 6.170 VV 6 7.015 VV 7 7.476 VV 8 7.771 VV 9 8.341 PV 10 9.053 PV 11 9.280 VV	3.5187 0.2008 0.3742 0.2618 0.4283 0.2753 0.1824 0.1100 0.1796 0.2286	29.64368 29.17170 87.51175 37.78679 68.21159 40.34123 12.75530 3.22723 12.61311 44.93953 45.01051	1.00569e-1 1.88686 2.88747 2.13710 1.91198 1.83774, 9.23668e-1 3.85199e-1 1.15197 2.49896 2.51241	0.2185 0.2151 0.6452 0.2786 0.5029 0.2974 0.0940 0.0238 0.0930 0.3313 0.3318

Project No. 13A 164 175×6 Book No. TITLE om Page No.27 VIta Corp. CONFIDENTIAL 1799:11 35....

To Page No. 29 Date Date

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Nunc Polysorp 96 well immuno-piate, Nunc casific2409-005 batchis 045987. Nunc Polysorp 96 well immuno-piate, Nunc casific2409-005 batchis 045987. PBS pH 74, Ghotphate buffered saline, 5g NaCl, 0.25g KCl, 1.4g Na-HPOs, 0.24g KH, POs, add H, O to 1L and pH 74; 0.2 µ filter) AVC loss		
KH,PO., add H;O to IL and pH 7A; 0.2 µ filter) AVC lots 7 7 7 10 10 10 10 10 10 10 10 10 10 10 10 10	A PROTEIN1	
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ICN Biomedicals, cattle [CIS14293 AVC 1048 47 - (CIS) - CI - C	C PROTEINS	
HRP-Streptavidin, 2.5mg/2ml stock stored @ 4°C, Zymed cath43-4323, loth 101 4 2/109	D PROTEIN 4	
Wesh Buffer, 0.2% Tween 20 in 50mM Tris pH 8.0, AVC lots 97-96-62	E PROTEIN 5	
Wash Buffer, 0.7% I ween 20 in Social to 18 per solution store in -20°C freezer #7) Biocinylated peptides (HPLC purified, stock solution store in -20°C freezer #7) GCT_PB ISM proteins (stock stored @ -80°C, after 1" thaw store in -10°C freezer #7)	F PROTEING	
Blocks/lated peptides (HPLC purified, mock solution store in -20°C freezes #7) SST-PRISM proteins (mock stored @-80°C, after 1" flaw store in -10°C freezes #7) TMB (3.1.5."; treamethylbersáláno), ready to use, Dako cast \$1600, lobs O71 60 0.18M H-SOL, Sigma cast \$51.526, AVC losts Q 7 - Q 6 - O 3	G BST + KINKER CONTROL	
	H STANDARD CORVE STANDARD C	PVE
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Contar Transtar 96 Contar#7605 Transtar 96 Cartridge Contar#7610		
Transtar Costar#	Standard Curve	
Molecular Devices microplate reader (450 & 650 cm filters)	Column 1.7 2.8 3.9 4.10 5	, 11 6, 12
 SoftMax Pro software When using reagents stored at or 4°C or -20°C, remove & keep on ice 	PSD95(1) #143.1 5µM 1.19µM 0.283µM 0.067µM 0.0	16uM 0.004uM
	Tax AA56L 5µM 1.19µM 0.283µM 0.067µM 0.0	Topan Court Ipm.
Projects: 1. Cost plate with 100 µl of 5 µg/ml anti-GST, O/N @ 4*C 2. Dump contents of plate & out tap dry on paper towels	7107.71	1
	1864	
3. Acts 200 III. Assay Statist Co. Amery Buffer 5. Wash 3X with cold PBS* 6. Add proteins at 50 µl per well, incubate 1 to 2 hrs at 4*C		
7. Wesh 3X with cold PBS*	2021 Manufiain d	Hereatly no
Add peptides at 50 µl per well on ice (write time on plate) Incubate on ice after last peptide has been added for exactly 10 minutes	36.3 Newroligin -d	AL . La Capa
10. Place at room temp for exactly 20 minutes 11. Previous HRP-Strentayidin within 10 minutes of time of use		and forces
12. Promptly wath 3X with cold PBS 13. Add 100 ul per well of HRP-Streptavidin (write time on plate)	80.1 HPV26	
12. Promptly wasts 3x with color PIS 13. Add 100 µl per well of HRP-Streptavidin (write time on plate) 14. Incubes at 4°C for exactly 20 minutes 15. Turn on plate reader and prepare files (store as 010501 lktl)	215 HIV	
16. Promptry with 3A with Wash During	200 Serstonin	
18. Incubate in dark at room temp for a maximum of 90 minutes	0.	
19. Check plate periodically, it necessary has early feature and the state of the	258 Novadrinaline	1
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Marjarie Junes	Recorded By Con San S	5

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Project No.__

EXHIBIT B-

CONTINUED 21

Project No. 8.1 A Book No. 9×18 m Page No. 20 | The state of THE PARTY MITEMANN ALTONOMY AND TAX AMERICAN AMER AMERICAN AMERICAN AMERICAN AMERICAN AMERICA AM To Page No. 92 Date Invented by Date larizaria Junes Recorded by the Muine Color